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RUEHWL/AMEMBASSY WELLINGTON 2970  
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RUEHKA/AMEMBASSY DHAKA 1185  
RUEHLM/AMEMBASSY COLOMBO 1214  
RUEHNE/AMEMBASSY NEW DELHI 2130  
RUEHHK/AMCONSUL HONG KONG 2896  
RUEHBA/AMCONSUL PERTH 1057  
RUEHLMC/MILLENNIUM CHALLENGE CORP 0066  
RUEAIIA/CIA WASHDC  
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RUEATRS/DEPT OF TREASURY WASHDC  
RHHJJPI/USPACOM HONOLULU HI  
RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001582

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, INR/EAP, INL FOR ROSS,  
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TAGS: [PGOV](#) [KJUS](#) [PREL](#) [ID](#)  
SUBJECT: KEY INDONESIAN COURT PICKS NEW CHIEF

REF: A. JAKARTA 1573  
[1](#)B. JAKARTA 1509

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: The members of Indonesia's Constitutional Court have chosen Mohammad Mahfud to be the next Chief Judge. Mahfud is considered moderate and to have the requisite legal experience. Mahfud will replace the current chief judge, who was defeated in his bid for re-election. Sharing judicial powers in Indonesia with the Supreme Court, the Constitutional Court has earned a positive reputation for its rulings respecting civil liberties. The USG has assisted the court via various management-related programs. END SUMMARY.

COURT PICKS NEW CHIEF JUDGE

[1](#)2. (SBU) A key Indonesian court has picked a new chief judge. On August 19, the eight other members of the Constitutional Court elected Mohammad Mahfud Mahmodin to be the next chief judge (he goes by the name "Mahfud"). (Note: Ruling on constitutional-related issues, the Constitutional Court shares judicial powers with Indonesia's Supreme Court, which rules on all other appellate matters.) Mahfud, 51, was formerly a legislator and a law professor at Indonesian Islamic University in Yogyakarta in central Java. He is a close associate of former president Abdurrahman Wahid (a.k.a., "Gus Dur"), serving Gus Dur as defense minister from 1999-01.

[1](#)3. (C) Mahfud has been serving as a judge on the nine-judge court only since April 2008, when he was selected by the Indonesian national legislature (DPR). Mahfud is well-regarded, considered to be a moderate without an ideological agenda and, as a respected former law professor, considered to have the requisite legal experience for the

job.

¶4. (SBU) The court also elected a new deputy chief justice. Abdul Mukhti Fadjar won that race. He is a former law professor at Brawijaya University in Malang, East Java. Fadjar has served on the court since 2003. Both Mahfud and Fadjar are slated to be sworn in by President Yudhoyono on August 21 and will serve three-year terms in their new positions.

#### A SURPRISING DEFEAT FOR SITTING CHIEF JUDGE

¶5. (C) In the vote, Mahfud managed to defeat the current chief judge. Jimly Asshiddiqie has served on the court since 2003 when it was founded, serving as chief judge the entire time. Despite his defeat, Asshiddiqie is expected to continue serving on the court as a judge. It is not immediately clear why Asshiddiqie lost the race. Two contacts, however, told us that Asshiddiqie had grown unpopular on the court because he was constantly trying to get into the limelight. In addition, Asshiddiqie had discussed the possibility of trying for higher office, perhaps via a run for vice-president in 2009. It is not clear whether Asshiddiqie has a chance at that after effectively losing control of his own court, but it seems doubtful.

#### AN INCREASINGLY KEY COURT

¶6. (C) As mentioned, the Constitutional Court was only formed in 2003. The court is a product of Indonesia's post-Suharto era reforms and is meant to be the guardian of the country's Constitution. In the short time of its

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existence, the Court has been right in the middle of events, including:

-- The Court has earned a positive reputation for its support of civil liberties, ruling that "defamation" of government leaders should not be a crime, for example.

-- Per ref a, the Bali bombers have also appealed their death sentence to the Court and this should be Mahfud's first big case.

-- The Court also recently ruled that the GOI had to spend 20% of the budget on education as set out in the Constitution, forcing the government to grapple with the question of how to attain such funding levels.

-- The court also deals with election-related disputes, which should be a busy area in the coming election year.

¶7. (U) The USG has assisted in building the court's capacity via various management-related programs.

HUME